

# HOUSE BILL 1481

L5, L2

*EMERGENCY BILL*  
*ENROLLED BILL*

(0lr3359)

— *Environmental Matters/Education, Health, and Environmental Affairs* —

Introduced by **Prince George’s County Delegation and Montgomery County Delegation**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.  
\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o’clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Montgomery County – Maryland–National Capital Park and Planning**  
3 **Commission – Lease, Contract, or Agreement – Terms**

4 **PG/MC 118–10**

5 FOR the purpose of prohibiting a certain lease, contract, or agreement entered into by  
6 the Maryland–National Capital Park and Planning Commission from including  
7 certain provisions under certain circumstances; providing that a certain  
8 prohibition applies only in Montgomery County; *making this Act an emergency*  
9 *measure*; and generally relating to the terms of a lease, contract, or agreement  
10 entered into by the Maryland–National Capital Park and Planning Commission.

11 BY repealing and reenacting, with amendments,  
12 Article 28 – Maryland–National Capital Park and Planning Commission

---

**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 Section 5–110  
2 Annotated Code of Maryland  
3 (2003 Replacement Volume and 2009 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article 28 – Maryland–National Capital Park and Planning Commission**

7 5–110.

8 (A) The Commission may (1) lease for a term not exceeding 40 years and  
9 renew the lease from time to time for additional terms not exceeding ten years each, to  
10 any responsible individual, partnership or corporation, any portion of the lands within  
11 the metropolitan district, acquired for park purposes under any of the provisions of  
12 this article. The Commission may not enter into any lease agreement in excess of 20  
13 years duration without the prior approval of the provisions of the lease by legislative  
14 enactment of the county in which the lease property is located in whole or in part.  
15 Further, all such lease agreements shall contain provisions for reversion without cost  
16 to the Commission of the property and its improvements regardless of whether the  
17 improvements were added to the property by the lessee during the term of the lease or  
18 any extension of the lease; and/or (2) grant privileges, permits, and/or concessions,  
19 and/or enter into contracts relating to the same, with any responsible individual,  
20 partnership, or corporation, to engage in any business or enterprise on lands acquired  
21 for park purposes within the metropolitan district under any of the provisions of this  
22 article; all on terms and conditions the Commission deems advantageous to the  
23 development of the park system as a part of the plan for the physical development of  
24 the metropolitan district and the plan of the Maryland–Washington Regional District  
25 within the metropolitan district. The purpose for which the property is leased, and/or  
26 the privileges, permits, and/or concessions are granted, may not be inconsistent with  
27 the use of the property for park purposes. Any lease and/or contract executed under  
28 the authority of this section shall contain a condition, stating specifically the purposes  
29 for which the property is leased, and/or the privilege, permit, or concession is granted.  
30 All agreements entered into by the Commission pursuant to this article shall contain  
31 provisions forbidding the assignment of the agreement without the consent of the  
32 Commission. This article may not be interpreted as a limitation on the Commission's  
33 authority to require in any agreement more restrictive provisions deemed by the  
34 Commission to be in the public interest. The provisions of this article may not be  
35 construed to validate any lease or agreement executed prior to July 1, 1972, which  
36 provides for an initial term beyond 20 years duration, nor to permit the renegotiation  
37 of any lease or agreement executed prior to July 1, 1972, for the purpose of extending  
38 the initial term of the lease beyond 20 years duration. This limitation does not apply to  
39 any lease with a nonprofit, service-oriented organization.

40 (B) (1) **THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY.**

1           (2) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A  
2 LEASE, CONTRACT, OR AGREEMENT ENTERED INTO UNDER THIS SECTION MAY  
3 NOT CONTAIN A PROVISION THAT:

4                   (I) AUTHORIZES A PERSON OTHER THAN THE COMMISSION  
5 TO CLOSE A PARK OR PARK FACILITY; OR

6                   (II) ~~PROHIBITS THE COMMISSION FROM OPERATING ANY~~  
7 ~~OTHER PARK OR PARK FACILITY UNDER THE COMMISSION'S JURISDICTION IN~~  
8 ~~ORDER TO PREVENT COMPETITION WITH THE PARK OR PARK FACILITY THAT IS~~  
9 ~~THE SUBJECT OF THE LEASE, CONTRACT, OR AGREEMENT~~ GRANTS A PERSON  
10 OTHER THAN THE COMMISSION THE AUTHORITY TO CLOSE OR REQUIRE THE  
11 CLOSING OF AN EXISTING PARK OR PARK FACILITY UNDER THE JURISDICTION  
12 OF THE COMMISSION TO PREVENT COMPETITION.

13           ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
14 ~~October 1, 2010.~~

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
16 measure, is necessary for the immediate preservation of the public health or safety, has  
17 been passed by a yea and nay vote supported by three-fifths of all the members elected  
18 to each of the two Houses of the General Assembly, and shall take effect from the date it  
19 is enacted.

Approved:

\_\_\_\_\_ Governor.

\_\_\_\_\_ Speaker of the House of Delegates.

\_\_\_\_\_ President of the Senate.